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January 12, 2026

Mr. Matthew Giacona
Acting Director
Bureau of Ocean Energy Management
U.S. Department of the Interior

RE: Request for Information and Interest - Commercial Leasing for Outer Continental Shelf Minerals Offshore the Commonwealth of the Northern Mariana Islands (Docket No. BOEM-2025-0351)

Dear Mr. Giacona,

I submit this comment in response to the Bureau of Ocean Energy Management's Request for Information and Interest regarding potential commercial leasing for Outer Continental Shelf minerals offshore the Commonwealth of the Northern Mariana Islands.

At the outset, I recognize BOEM's jurisdiction under the Outer Continental Shelf Lands Act over the areas identified in the RFI. I also recognize that this RFI represents an early, pre-leasing step intended to inform future agency decisions rather than a proposal to authorize development. Precisely because this action initiates a novel federal process with no domestic precedent, the structure and administration of the process warrant careful scrutiny.

While BOEM has provided an opportunity for public comment, the timing and structure of the comment period raise concerns about whether that opportunity has been meaningful in practice. The initial 30-day comment period overlapped with the Thanksgiving holiday, and the subsequent extension coincided with the Christmas and New Year holidays. For a first-of-its-kind federal action involving complex scientific, environmental, and cultural considerations, these overlaps foreseeably constrained the ability of affected communities, researchers, and local governments to engage in a substantive and informed manner.

Extending a comment period into additional holiday weeks did not remedy those constraints, particularly where meaningful participation requires time to develop technical understanding, consult subject-matter experts, and coordinate across institutions. This concern underlies the reasonable joint request from the Governors of the CNMI and Guam for a 120-day extension to allow the respective governments time to "review geospatial data, evaluate environmental risk

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factors, assess potential socioeconomic impacts, and compile community concerns.”¹ BOEM’s decision to provide a substantially shorter extension, placed over major federal holidays limited the practical ability of the public and governments to engage with a matter of this scope and novelty.

Substantively, the RFI highlights significant gaps in the current understanding of how deep-sea mineral activities could affect coastal and nearshore environments in the Mariana Islands. Available scientific literature indicates that impacts associated with seabed mineral exploration and extraction are not necessarily confined to the extraction site. Sediment plumes, pollutant dispersion, and ecosystem disruption may propagate through ocean systems in ways that affect fisheries, marine habitats, and coastal economies.² For island communities whose food security, cultural practices, and economic activity are closely tied to surrounding waters, these indirect and secondary effects are material considerations.

The absence of region-specific baseline data and modeling does not support a conclusion that coastal effects are unlikely. Rather, it underscores the degree of uncertainty surrounding a novel industrial activity in a sensitive marine environment. Where scientific uncertainty is substantial and impacts may be significant or irreversible, federal decision-making has long recognized that uncertainty itself is a relevant risk factor.³ In this context, applicable federal safeguards designed to protect coastal resources and communities, including those implemented under the Coastal Zone Management Act, should be engaged early in the process rather than deferred until after key policy choices are effectively set.

Because this RFI represents the first step in a potential leasing process, and given the substantial uncertainty surrounding the environmental and socioeconomic consequences of deep-sea mineral development in the region, any future decision to offer mineral leases arising from this process should additionally be preceded by a properly scoped Environmental Impact Statement, rather than an Environmental Assessment. Commercial deep-sea mineral development of this type in our region would constitute a first-of-its-kind federal action in an environment characterized by unique ecological features, limited baseline data, and acknowledged scientific uncertainty. Available information indicates significant gaps in understanding related to benthic ecosystems, sediment plume dynamics, and long-term effects on deep-sea processes.

The need for a comprehensive cumulative impacts analysis is heightened by the fact that the region is already subject to substantial federal activity, including the Navy’s Mariana Islands

¹ Governor David M. Apatang & Governor Lourdes A. Leon Guerrero. November 15, 2025. *Request for Public Comment Period Extension for Docket No. BOEM-2025-0351*. Letter to BOEM Acting Director Matthew Giacoma.

² Alam L, Pradhoshini KP, Flint RA, Sumaila UR. 2025. *Deep-sea mining and its risks for social-ecological systems: Insights from simulation-based analyses*. PLoS ONE 20(3): e0320888. <https://doi.org/10.1371/journal.pone.0320888>

³ See Ethyl Corp. v. EPA, 541 F.2d 1, 24–25 (D.C. Cir. 1976) (recognizing that environmental and public health regulation often must proceed in the face of scientific uncertainty).

Range Complex⁴ and Mariana Islands Training and Testing⁵ programs, both of which warranted full Environmental Impact Statements due to the sensitivity of the affected environment and the potential for significant impacts. Those analyses recognized that military activities in the region intersect with existing federal environmental protections, including statutes governing marine mammals, listed species, cultural resources, and coastal uses.

Proposed seabed mineral leasing would introduce additional stressors into this same environmental setting, including noise, seabed disturbance, and sediment dispersion, which may interact with or compound effects already evaluated under those programs. Any decision to advance mineral leasing must therefore be evaluated in light of these existing federal actions and pathways for environmental safeguards. Where impacts may be significant, uncertain, or potentially irreversible, and where the action establishes a new federal process without domestic precedent, preparation of an Environmental Impact Statement is the appropriate course under NEPA.⁶

Finally, the RFI highlights a structural disconnect between potential environmental risk and the absence of any clear economic benefit to the Commonwealth. Existing statutory and regulatory frameworks governing OCS mineral leasing were developed primarily around oil and gas activities and, to a limited extent, marine minerals such as sand and gravel. Deep-sea mineral development presents materially different operational, environmental, and economic considerations that are not fully addressed by current law. There is no established five-year planning framework for mineral leasing under section 8(k) comparable to that applicable to oil and gas leasing under section 18 of OCSLA, no revenue-sharing mechanism for adjacent communities, and no clear pathway for meaningful local economic participation.

As a result, the environmental and social risks associated with offshore mineral development would be borne locally, while any economic benefits would largely accrue elsewhere.⁷ Proceeding under these conditions risks undermining confidence that the interests of affected territorial communities are being fully considered, particularly given the Commonwealth's strategic importance and the broader national interest in maintaining resilient and economically stable communities in the Pacific.

⁴ U.S. Department of the Navy, Mariana Islands Range Complex Final Environmental Impact Statement and Overseas Environmental Impact Statement (2009)

⁵ U.S. Department of the Navy, Mariana Islands Training and Testing Final Environmental Impact Statement and Overseas Environmental Impact Statement (2015)

⁶ See *Scientists' Institute for Public Information v. Atomic Energy Comm'n*, 481 F.2d 1079, 1092–93 (D.C. Cir. 1973) (holding that NEPA requires environmental analysis at a stage when effects remain uncertain, because delaying review until impacts are fully known would undermine the statute's purpose).

⁷ See Impossible Metals. 2025. *Press Release: ReElement Technologies Corporation and Impossible Metals Announce Collaboration on First U.S. Deep Sea Nodule Refinement Program* (announcing partnership to process deep sea minerals in a mineral refining facility in Indiana). <https://impossiblemetals.com/blog/relement-technologies-corporation-and-impossible-metals-announce-collaboration-on-first-u-s-deep-sea-nodule-refinement-program/>

Thank you for the opportunity to provide comment. I urge BOEM to reconsider the structure and timing of this process and to ensure that any future decisions are informed by meaningful public participation, adequate scientific understanding, and full consideration of the Commonwealth's unique circumstances. I also encourage BOEM to work with the Commonwealth and Congress to identify whether statutory or policy adjustments are needed so that national mineral objectives can be pursued in a manner that responsibly accounts for local impacts and interests.

Sincerely,



Kimberlyn King-Hinds
Member of Congress